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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,138	04/14/2004	Damon L. Tull	P04,0046	6370

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EXAMINER

CARTER, AARON W

ART UNIT PAPER NUMBER

2625

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/824,138

Applicant(s)

TULL ET AL.

Examiner

Aaron W. Carter

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 and 27 is/are allowed.
- 6) ☐ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,834,531 to Ward in view of USPN 6,424,370 to Courtney.

As to claim 26, Ward discloses an apparatus for image acquisition, comprising:

An optical system for focusing an image on a sensing chip (Fig. 3, element 60 and column 5, lines 42-50, wherein the CCD camera corresponds to the sensing chip);

A sensing chip positioned to receive said image from said optical system (Fig. 3, element 60 and column 5, lines 42-50, wherein the CCD camera corresponds to the sensing chip);

A processor connected to said sensing chip for two-way communication with said sensing chip (column 6, lines 13-16).

Ward does not disclose expressly wherein said processor generating meta-data regarding regions of the image corresponding to predetermined conditions, said processor including said meta-data with data of said image upon output of the image.

However, Courtney discloses an image processing apparatus wherein a processor

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generates meta-data regarding regions of the image corresponding to predetermined conditions (column 6, lines 12-28), said processor including said meta-data with data of said image upon output of the image (column 6, lines 38-40).

Ward & Courtney are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the image processing apparatus disclosed by Ward with the processor for generating meta-data as taught by Courtney.

The suggestion/motivation for doing so would have been provide the invention with the ability to perform video index from object motion (Courtney, column 2, line 66 - column 3, line 1).

Therefore, it would have been obvious to combine Ward with Courtney to obtain the invention as specified in claim 26.

*Allowable Subject Matter*

3. Claims 1-25 and 27 are allowed.

The following is an examiner's statement of reasons for allowance: As to claims 1, 21 and 25, none of the prior art teach or fairly suggests, "sensing a temporal change in an image at a pixel level or pixel region level **WHILE** acquiring the image", "sampling pixels **DURING** said step of acquiring the image and determining a change in the intensity build up in pixels **DURING** said step of acquiring the image", or "sensing pixels at or near saturation **DURING** said acquiring of the image", in combination with the other limitations of claims 1, 21 and 25.

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USPN 5,049,752 to Kalaf et al. discloses a temporal change in the charge accumulation can be caused by the movement of an object (column 2, lines 3-7), but does not teach or fairly suggest sensing this change **DURING** the step of acquiring the image. Courtney (already of record) discloses detecting a temporal change in an image at a pixel level or pixel region after acquiring the image (column 6, lines 10-20), but does not teach or fairly suggest sensing this change **DURING** the step of acquiring the image.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,642,163 to Watari et al. discusses changing charge accumulation time to avoid blurring by an moving object.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**BHAVESH M. MEHTA**  
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